



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,232	11/12/2003	Seeta Hariharan	RPS920030111US1	6403
47052 7590 01/03/2007 SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/706,232

Applicant(s)

HARIHARAN ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/12/2003.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

  
WILLIAM THOMSON  
SUPERVISOR  
PATENT EXAMINER

1. This is the initial office action based on the application filed on June 5, 2003. Claims 1-24 are currently pending and have been considered below.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is non statutory. The claimed system is constructed of software program instructions. Thus, the claimed system comprising of generic application interface for communicating with network processors is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ". Also it appears that no useful and tangible result is achieved from this communication. Therefore dependent claims 2-6 are also affected by these claims rejection. Appropriate change is required.

Claim 7 is not limited to statutory embodiments. In view of Applicant's disclosure, specification (see page 37, lines 1-5), the medium is not limited to physical articles or objects embodiments, instead being defined as including both physical articles or objects embodiments (e.g., CDs and DVDs) and non physical embodiments (e.g., data signals embodied in a carrier wave). The non physical embodiments are a form of energy. Energy does not fall into a statutory category of invention and therefore the claim is not statutory.

To overcome this type of 101 rejection the claim need to be amended to include only the word stored or to use the word storage of the embodiment. Therefore dependent claims 8-12 are also affected by these claims rejection.

Appropriate change is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4: Claims 1-7 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dubrovsky et al. (US 7051101).

Claims 1, 7 and 13: Dubrovsky discloses a system, method and software program for managing at least one table for a plurality of heterogeneous network processors in a network, the network also including at least one host processor utilizing at least table management application, the system comprising :

a. A plurality of generic application program interfaces (APIs) (fig. 3/300-2 col. 12, lines 42-67) communicating with the at least one table management application (fig. 3/300-1, col. 12, lines 42-67) and the plurality of heterogeneous network processors (fig.3/320-1-2), the plurality of generic APIs for communicating with the at least one table management application in the at least one host processor in a network processor independent manner, the plurality of generic APIs managing the plurality of tables (fig. 3/310) for the plurality of heterogeneous network processors in a network processor specific manner; wherein

b. The plurality of generic APIs allow the at least one table management application to be network processor independent and to manage the plurality of tables (col. 14, lines 10-25) for the plurality of heterogeneous network processors in the network processor specific manner (fig. 3, col. 12, lines 42-67).

Claims 2, 8 and 14: Dubrovsky further discloses that the plurality of generic APIs are used by the at least one table management application to govern at least one property

Art Unit: 2194

of the table and at least one record for the at least one table (fig. 3 and 4, col. 13 lines 48-67; col. 15 lines 20-45).

Claims 5, 11 and 17: Dubrovsky further discloses that at least one property of the table further

includes whether the table is linked to at least a second table (col. 14, lines 32-39).

Claims 6, 12 and 18: Dubrovsky further discloses that a portion plurality of generic APIs are to

determine whether to add a second record, delete the record, purge the record, and/or age the record (fig. 3 and 4 col. 13, lines 48-67; col. 14 lines 8-30).

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 9-10 and 15-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dubrovsky et al. (US 7051101) in view of Evans et al (US 20020171546).

Claims 3-4, 9-10 and 15-16: Dubrovsky discloses a property of the tables as in claim 2 above, but he does not explicitly disclose a state of the tables and wherein a portion of a plurality of APIs is utilized to set the state of the table such as enabled state, disabled state and locked state. However, in the same field of endeavor Evens discloses in an environmental security threat such as connection from a network a list of security actions in response to input signals that may correspond to notification of a network authority. These actions correspond to states that may include lock state, enable state and disable state or any combination of states associated with a rule state editor to provide security access within a network system (paragraph 36, 38 and 40). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Dubrovsky's invention with Evens's invention in order to provide robust security actions (states) in response to an input signal related to security events such as accessing a database table. One would have been motivated to create and combine states properties such as enabled state, disabled state and locked state in order to detect security attacks and select the ideal means for response to such attacks. Therefore to improve the system security within the network environment.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Art Unit: 2194

Lavallee et al (7003527) discloses methods and apparatus for managing devices within storage area networks.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300.

Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
December 18, 2006

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER  
William Thomson  
Supervisory Patent Examiner